

A.G. FILE NO. KR-88-2023-TRD

ECS FILE: JPA-87-09

Project: B-065-1-304PE, -504C
Section: Riviera - Silver Creek

INTERGOVERNMENTAL AGREEMENT *
BETWEEN
THE STATE OF ARIZONA
AND
BULLHEAD CITY

THIS AGREEMENT entered into this 17th day of January, 1989,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION, hereinafter called "State" and BULLHEAD CITY, acting by
and through its City Council, hereinafter called "City".

WHEREAS, State is empowered by Sections 11-952 and 28-108 Arizona
Revised Statutes to enter into this agreement and has by resolution, a
copy of which is attached hereto and made a part hereof, resolved to
enter into this agreement and the Director of the Arizona Department of
Transportation has delegated to the undersigned the authority to execute
same on behalf of State; and

WHEREAS, City is empowered by Sections 48-572 and 11-952 Arizona Revised
Statutes and Bullhead City Code Section 2-1-2 and Article 2-5 to enter
into this agreement and acting by and through its City Council has, by
resolution, a copy of which is attached hereto and made a part hereof,
resolved to enter into this agreement and has authorized the undersigned
to execute same on behalf of City; and

WHEREAS, State desires to construct roadway improvements to State Route
95 (S.R. 95) from Milepost 244.0 to Milepost 246.8; and

WHEREAS, City desires that Hancock Road and Big Montana Wash be
realigned into a common intersection with the existing Alta Vista
alignment.

* This agreement supersedes former Intergovernmental Agreement dated
December 17, 1987, and noted as A.G. Contract No. KR-87-3453-TRD,
Secretary of State No. 12620.

NO.	<u>13614</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>1-25-89</u>
	<u>Jim Shumway</u> Secretary of State
By	<u>B. J. Vermillion</u>

THEREFORE, the parties hereto agree as follows:

CITY SHALL:

1. Prepare plans for realignment of Hancock Road to intersect with U.S. 95 at the existing alignment of Alta Vista and U.S. 95, including plans for the realignment of Big Montana Wash to cross U.S. 95 at the new Alta Vista/Hancock Road intersection via two 84-inch pipes.

2. Include with City plans, plans prepared by State for signalization improvements at the new Alta Vista/Hancock Road intersection.

3. Acquire all right-of-way necessary for said drainage and roadway improvements at no cost to State.

4. Provide plans to the State for incorporation in a change order to Construction Contract No. B-065-1-504 for the Riviera - Silver Creek improvements project.

5. Upon receipt of bill from State for design engineering costs incurred for preparation of plans for signalization improvements and a change order to Construction Contract No. B-065-1-504 for the Riviera - Silver Creek improvements project, remit payment in full to State; said design engineering costs estimated to be TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500).

6. Upon execution of this intergovernmental agreement by both parties, deposit with State cash in the amount of ONE HUNDRED FIFTY-ONE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$151,957); said amount equal to City's share of the estimated construction costs for said change order, including 12% for construction administration and engineering as defined on Exhibit A attached hereto and made a part hereof.

7. Upon receipt of bill from State, remit payment in full to State for City's share of actual construction costs less the amount of City's cash deposit defined in item 6 above.

8. In addition to all costs as heretofore mentioned, pay for all reasonable costs related to delays, or valid claims for extra compensation made by the contractor for construction of improvements related to said change order for realignment of Hancock Road and Big Montana Wash.

9. Upon completion of construction, assume maintenance responsibilities for drainage facilities constructed for Big Montana Wash and for any roadway improvements outside of State right-of-way.

10. Contract for construction of drainage inlet and outlet channel facilities for the Big Montana Wash drainage pipes in the vicinity of S.R. 95, supervise construction, and make all payments to the contractor.

11. Maintain the improved drainage outlet channel for the Big Montana wash drainage pipes downstream of S.R. 95.

12. Hold State harmless for all liability resulting from the construction of the drainage pipes, structures, channel and roadway improvements.

STATE SHALL:

1. Prepare a change order to Construction Contract No. B-065-1-504, incorporating City plans for realignment of Hancock Road and installation of two 84-inch pipes at the crossing of Big Montana Wash and S.R. 95.

2. Submit to City a bill for design engineering services incurred for the preparation of said change order.

3. Negotiate a change order with State contractor for Riviera - Silver Creek project based on plans prepared by City for realignment of Hancock Road and Big Montana Wash pipes.

4. Prepare signalization plans for the proposed realignment of Alta Vista/Hancock Road intersection.

5. Supervise construction of said realignment, make all payments to the contractor, and approve and accept the new facilities.

6. Upon completion of construction of said improvements, submit to City a detailed breakdown of construction costs covered in said change order and a bill for said costs less City's cash deposit. In the event that City's cash deposit exceeds City's portion of the construction change order cost, said submittal to include a check equal to the difference in actual costs and the cash deposit made with State.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

THIS AGREEMENT shall remain in full force and effect until completion of said construction project as aforesaid; provided, however, that this agreement may be canceled at any time prior to the commencement of construction upon 30 days' written notice to the other party; provided, however, agreements herein relating to maintenance shall be in perpetuity.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Arizona Revised Statutes Section 38-511.

All parties further recognize that the provisions of Arizona Revised Statutes 35-214 are applicable to this contract.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

Attached hereto and incorporated herein by reference is a copy of State's Resolutions authorizing entry into this agreement, a copy of City's Resolution passed by its City Council, a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

BULLHEAD CITY

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY:

Bob Rogge
Bob Rogge

TITLE: Vice Mayor

BY:

Thomas A. Bryant, II
Thomas A. Bryant, II
State Engineer

ATTEST:

Dana E. Shilling
Dana E. Shilling
City Clerk

APPROVED AS TO FORM:

Paul Lenkowsky, City Attorney
Paul Lenkowsky, City Attorney

PROJECT: B-065-1-504C

SECTION: Riviera - Silver Creek

RESOLUTION

BE IT RESOLVED on this 30 day of June, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Agreement with Bullhead City for the construction of a drainage structure to facilitate collection and discharge of drainage water within Big Montana Wash and improved inlet and outlet channels for Big Montana Wash in the vicinity of State Route 95.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

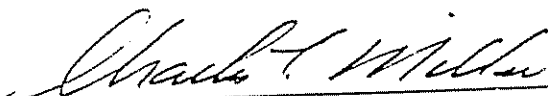

Charles Miller, Director
Arizona Department of Transportation

EXHIBIT A

to

INTERGOVERNMENTAL AGREEMENT
 BETWEEN
 THE STATE OF ARIZONA
 AND
 BULLHEAD CITY

HANCOCK ROAD REALIGNMENT

Unit Item No.	Description	Unit	Quantity	Price	Amount
2020001	Removal of Structures and Obstructions	L.S.	1	\$ 20,000.00	\$ 20,000.00
2020201	Sawcutting	L.F.	267	0.75	200.25
2030301	Roadway Excavation	C.Y.	529	3.50	1,851.50
2030901	Borrow	C.Y.	5,228	5.78	30,217.84
2070001	Dust Palliative	M.GAL.	194	8.00	1,552.00
3030023	Aggregate Base, Class 3	C.Y.	1,027	11.00	11,297.00
4040046	Asphalt Cement (AC-40) (for 3/4" Mix)	TON	38	120.00	4,560.00
4040131	Provisional Seal Coat	TON	2	220.00	440.00
4040136	Apply Provisional Seal Coat	TON	4	100.00	400.00
4040163	Blotter Material	TON	6	15.00	90.00
4060026	Mineral Admixture (for 3/4" Mix)	TON	16	1.00	16.00
4060930	Construct Pavement Edge	L.F.	132	1.00	132.00
4090003	Asphaltic Concrete (Miscellaneous Structural)	TON	8	20.00	160.00
4160002	Asphaltic Concrete (3/4" Mix) (End Product)	TON	767	8.00	6,136.00

JPA-87-41
Exhibit A

Unit Item No.	Description	Unit	Quantity	Price	Amount
7040003	Pavement Marking (White Hot-Sprayed Thermoplastic) (0.060")	L.F.	1,200	0.25	300.00
7040004	Pavement Marking (Yellow Hot-Sprayed Thermoplastic) (0.060")	L.F.	1,700	0.25	425.00
7060015	Pavement Marker, Raised, Type D	EACH	26	3.50	91.00
7060018	Pavement Marker, Raised, Type G	EACH	39	3.50	136.50
9020004	Chain Link Fence, Type 1 (72")	L.F.	844	10.00	8,440.00
9080088	Concrete Curb and Gutter (C-05.10 Mod) (Type R)	L.F.	1,659	6.00	9,954.00
9080201	Concrete Sidewalk (C-05.20)	S.F.	7,993	1.35	10,790.55
9080296	Concrete Sidewalk Ramp (Dtl. D)	EACH	2	175.00	350.00
9080301	Concrete Driveway (C-05.20)	S.F.	190	1.85	351.50
9090001	Survey Monument (C-21.10)	EACH	7	450.00	3,150.00
9250001	Construction Surveying & Layout (Predetermined Earthwork quantities)	L.S.	1	15,000.00	15,000.00
SUBTOTAL (HANCOCK ROAD ALIGNMENT)					\$ 126,041.14

S.R. 95 MAINLINE REVISIONS

Item No.	Description	Unit	Quantity	Unit Price	Amount
7310140	Pole (Type R)	EACH	1	3,000.00	3,000.00
7310320	Pole Foundation (Type R)	EACH	1	800.00	800.00
7310570	Mast Arm (30 Ft.) (Tapered)	EACH	1	600.00	600.00
7320070	Electrical Conduit (3") (PVC)	L.F.	117	5.00	585.00
7330030	Traffic Signal Face (Type C)	EACH	1	400.00	400.00
7330080	Traffic Signal Face (Type H)	EACH	1	700.00	700.00
7330210	Traffic Signal Face (Pedestrian) (Man/Hand)	EACH	2	425.00	850.00
7330220	Pedestrian Push Button	EACH	2	200.00	400.00
7330310	Traffic Signal Mounting Assembly (Type II)	EACH	1	100.00	100.00
7330360	Traffic Signal Mounting Assembly (Type VII)	EACH	2	350.00	700.00
7350130	Loop Detectors for Traffic Signals (6' X 70') (Quad)	EACH	3	400.00	1,200.00
7360030	Luminaire (Horizontal Mount) (HPS 250 Watt)	EACH	1	300.00	300.00

SUBTOTAL (S.R. 95 MAINLINE REVISIONS) \$ 9,635.00

COST SUMMARY:

Hancock Road Realignment	\$ 126,041.14
S.R. 95 Mainline Revisions	<u>9,635.00</u>
	\$ 135,676.14
ADD: 12% for Construction Engineering and Administration	<u>16,281.14</u>
TOTAL Construction Costs Assigned to City	\$ 151,957.28

RESOLUTION 88R-086

A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF BULLHEAD CITY, ARIZONA,
APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE STATE OF ARIZONA AND THE CITY
OF BULLHEAD CITY AND AUTHORIZING THE MAYOR
TO ENTER INTO AND EXECUTE THE AGREEMENT
FOR THE PURPOSE OF REALIGNING THE INTERSECTION
OF HANCOCK ROAD AND STATE ROUTE 95

WHEREAS, the State of Arizona desires to construct
roadway improvements to State Route 95 from milepost 244.0 to
milepost 246.8 and;

WHEREAS, the City of Bullhead City desires that the
existing intersection of Hancock Road and State Route 95 be
realigned to allow a common intersection with the present
alignment of Alta Vista Road and;

WHEREAS, the State of Arizona is empowered by A.R.S.
§11-952 and §28-108 to enter into this agreement and the City
of Bullhead City is empowered to enter into this agreement by
virtue of the provisions of A.R.S. §48-572 and §11-952;

NOW, THEREFORE, BE IT RESOLVED that the City Council
of the City of Bullhead City hereby approves the intergovernmental
agreement between the City and the State of Arizona and hereby
authorizes the Mayor to enter into and execute said agreement
on behalf of the city.

WHEREAS, it is necessary for the preservation of the
peace, health and safety of the City of Bullhead City, Arizona,
an emergency is declared to exist, and this Resolution shall
become immediately operative and in force.

PASSED AND ADOPTED by the Mayor and City Council of the
City of Bullhead City, Arizona, this 20th day of December, 1988
by the affirmative vote of three-fourths of the members of the
City Council of the City of Bullhead City, Arizona.

Bob Rogge
Bob Rogge, Vice Mayor

ATTEST:

Dana E. Shilling
Dana E. Shilling, City Clerk

APPROVED AS TO FORM:

Paul Lenkowsky, City Attorney

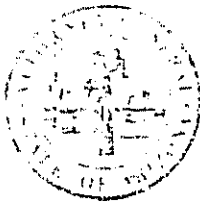
CERTIFICATION

THE FOREGOING INSTRUMENT IS A FULL, TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATED: 12/29 19 88

ATTEST: DANA E. SHILLING, CITY CLERK OF THE CITY OF
BULLHEAD CITY, AZ

Dana E. Shilling



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

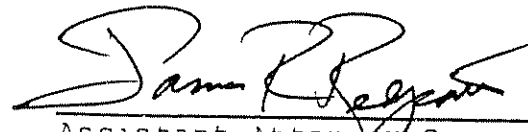
DETERMINATION

A. G. Contract No. AWSS 8023-725, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 13th day of January, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division